

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

LEGITIMATE FULL LENGTH
DRAMATIC AND MUSICAL THEATRICAL
INDUSTRY

AS APPROVED ON OCTOBER 22, 1934



UNITED STATES
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Approved Code No. 8—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LEGITIMATE FULL LENGTH DRAMATIC AND MUSICAL THEATRICAL INDUSTRY

As Approved on October 22, 1934

ORDER

AMENDED CODE OF FAIR COMPETITION FOR THE LEGITIMATE FULL LENGTH DRAMATIC AND MUSICAL THEATRICAL INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an Amended Code of Fair Competition for the Legitimate Full Length Dramatic and Musical Theatrical Industry, and hearing having been duly held thereon and the annexed report on said Amended Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said Amended Code complies in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act; and does hereby order that said Amended Code of Fair Competition be and it is hereby approved; superseding, upon its effective date, the Code of Fair Competition for said Industry approved upon the 16th day of August, 1933; subject to the following condition:

(1) The following named persons are hereby appointed to serve without expense to the Administration as representatives of the interests of the theatre managers, the theatre ticket brokers and the consumers, to study the operation and effect of Article VIII, of said Amended Code; to determine whether said provisions fully effectuate the purpose contained in said Article; to receive and study all recommendations and amendments designed to effectuate said Article; and to make a report and recommendations based on the results of its

investigations to the National Industrial Recovery Board within sixty (60) days of the date hereof:

Lee Shubert, 225 West 44th Street, New York, N. Y.

Brock Pemberton, 251 West 45th Street, New York, N. Y.

William McBride, 1493 Broadway, New York, N. Y.

Morris Rosenstien, 229 West 42nd Street, New York, N. Y.

Paul Shields, 44 Wall Street, New York, N. Y.

Philip Wittenberg, 70 West 40th Street, New York, N. Y.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By S. CLAY WILLIAMS, *Chairman.*

Approval recommended:

SOL A. ROSENBLATT,
Division Administrator.

WASHINGTON, D. C.,
October 22, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is the report of the National Industrial Recovery Board on the application for public hearing on a Code of Fair Competition for the Legitimate Full Length Dramatic and Musical Theatrical Industry, conducted in the Carlton Room of the Carlton Hotel in Washington, D. C. on March 28, 29 and April 10, 1934. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements set forth in the National Industrial Recovery Act.

This Code on the effective date will supersede the Code for the named Industry which was approved by you on August 16, 1933.

The National Association of the Legitimate Theatre, Incorporated, and the League of New York Theatres, Incorporated, claim to represent more than ninety-five percent of the employers managing or owning legitimate theatres or managing or producing full length dramatic or musical plays. The National Dramatic Stock Association claims to have on its roster more than sixty percent of the persons engaged in the management or production of full length dramatic or musical stock plays.

RÉSUMÉ OF CODE PROVISIONS

This Code which will supersede the Code approved August 16, 1933, serves the interest of labor by an upward revision of minimum wages and the insertion of maximum hour provisions for employees not heretofore embraced, will minimize explanations and interpretations and will aid any plan of effectuating self government within the Industry.

The following is an analysis of the various provisions of this Code as compared to the Code approved August 16, 1933, which it will supersede:

HOURS

For the first time in the history of the legitimate theatre there is a limit to the rehearsal period. No actor or member of the chorus is permitted to rehearse more than eight consecutive hours a day or seven hours a day, respectively. The rehearsal provision is relaxed nevertheless during the seven days preceding the first public performance.

Watchmen, clerical and office employees and scenic artists are now limited to a maximum hour work week and protected by a minimum wage. All labor employed in the Industry is now protected by minimum wages and maximum hours.

WAGES

There has been an upward revision of minimum wages paid to actors who have had less than two years' theatrical experience. Some of the actors in this classification will receive seventeen and two-thirds percent increase in wages even if they are paid only the minimum.

Classification of minimum wages in relation to the size of the city in which the stock company production is carried on is now eliminated.

Company managers receive a twenty percent increase in the minimum wage along with stock company treasurers, while stock company managers receive a thirty-seven and one-half percent increase in the minimum wage.

The minimum hourly rate for an usher, ticket taker, scrub woman, theatre attendant, porter or any other employee is increased by twenty-five percent. This provision also demands that time and one-half the hourly rate of pay be given to the above named employees for every hour worked in excess of seven hours in any one day.

Employees working in a cooperative production are benefited by a provision which guarantees the same minimum wage specified for employees working in a regular production.

GENERAL LABOR PROVISIONS

It is provided that where more stringent requirements as to the age of employees and working conditions are provided for by existing State and Federal statute, such statute shall supersede that section in the Code.

An employee is protected from being dismissed or demoted by reason of making a complaint or giving evidence with respect to an alleged violation of the Code.

Employers are prohibited from withholding wages and exacting fines.

CODE AUTHORITY

The interest of the employee is very well protected by Code Authority representation. It is specifically provided that with a Code Authority of twelve, six shall represent the various labor groups within the Industry. In addition to the membership of twelve on the Code Authority, it is also provided that there may be appointed two members whose duty it shall be to safeguard the interests of the consumer and an Administration Member.

In order to administer the provisions of the Code more effectively it is provided that regional code authorities may be organized.

TRADE PRACTICE RULES

The Trade Practice Rules were clarified to minimize explanations and interpretations of provisions.

TICKET PROVISIONS

It is recognized that some of the methods and practices employed in the distribution and sale of theatre tickets have heretofore resulted in evils and abuses. After months of study, ticket provisions which should eliminate these abuses have been incorporated in the Code.

As a prerequisite for handling tickets under the Code, a ticket agent must be licensed by the Code Authority. No ticket agent may use any subterfuge in his business dealings with members of the Industry and the public. Each ticket agent must also post a bond before the license is granted and the bond is subject to forfeiture if after due hearing the Code Authority should find the agent guilty of an infraction. The ruling of the Code Authority is, however, subject to the disapproval of the National Industrial Recovery Board. It is provided as before that each producer be required to keep twenty-five percent of his tickets in the box office for public sale. No agency is allowed to charge more than seventy-five cents in excess of the regular or box office price of tickets nor can any agency sell the tickets of a producer who has been found guilty of violating the Code ticket provisions.

FINDINGS

The Deputy Administrator in his final report on said Amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter the National Industrial Recovery Board finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said title of said act, including without limitation subsection (a) of section 3, subsection (a) of section 7 and subsection (b) of section 10 thereof.

(c) The National Association of the Legitimate Theatre, Incorporated and the League of New York Theatres, Incorporated were and are industrial associations, truly representative of the aforesaid Industry and that said associations imposed and imposes no inequitable restrictions on admission to membership therein and have consented to this Amendment.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amended Code has been approved.

For the National Industrial Recovery Board:

S. CLAY WILLIAMS,
Chairman.

OCTOBER 22, 1934.

AMENDED CODE OF FAIR COMPETITION FOR THE LEGITIMATE FULL LENGTH DRAMATIC AND MU- SICAL THEATRICAL INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Legitimate Full Length Dramatic and Musical Theatrical Industry, and its provisions shall be the standard of fair competition for such Industry and be binding upon every member thereof, superseding the Code of Fair Competition for this Industry approved on the 16th day of August, 1933.

ARTICLE II—DEFINITIONS

1. The term "Legitimate Full Length Dramatic and Musical Theatrical Industry", or "Industry", as used herein, includes all activities normally related to the production and presentation of full length theatrical performances of dramatic and musical plays and does not include grand opera, ballet, vaudeville, presentation, amateur theatre, "rep" show, "tab" show, tent show, wagon show, chautauqua, showboat, burlesque, or motion or sound picture performances.

2. The term "stock" or "stock companies" as used herein include (a) legitimate theatrical performances of dramatic or musical plays previously produced which are changed at frequent regular intervals and rendered by a resident company of actors; and, (b) the occasional performance for a limited time of plays not previously produced; and, (c) the interchange between two or more theatres of stock or stock companies commonly known in the Industry as "circuit" or "rotary stock."

3. The term "member of the Industry" includes but without limitation any individual, partnership, association, corporation or other form of enterprise engaged in the management or ownership of theatres presenting, or the management of, or production of, full length dramatic or musical plays, whether so engaged directly or indirectly or through agents.

4. The term "employee" as used herein includes any and all persons engaged in the Industry, however and by whomsoever compensated.

5. The term "employer" as used herein, includes anyone by whom such employee is compensated or employed.

6. Actors shall be classed as Juniors and Seniors. An actor shall be classed as "Junior" for two years after his first public performance in a legitimate or stock production; thereafter such actor shall be classed as "Senior".

7. The terms "President", "Act", and "Board" as used herein mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the National Industrial Recovery Board.

8. Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

ARTICLE III—HOURS

1. No actor or member of the chorus shall be permitted to work in excess of forty (40) hours in any one week except as hereinafter otherwise provided.

2. No actor in a dramatic play shall be permitted to rehearse during rehearsal period more than a maximum of eight (8) hours a day, one (1) hour of which shall be free time for lunch or dinner. The eight (8) hours shall be consecutive and shall commence with the time of rehearsal call for each actor. The limitations imposed by this section shall not apply during the last seven (7) days of rehearsal nor after the first public performance. Employers shall not abuse this rehearsal privilege.

3. No actor or member of the chorus in a musical play shall be permitted to rehearse during rehearsal period more than a maximum of seven (7) hours a day in any period of ten (10) consecutive hours commencing with the time of rehearsal call for each actor or member of the chorus. The limitations imposed by this section shall not apply during the last seven (7) days of rehearsal nor after the first public performance. Employers shall not abuse this rehearsal privilege.

4. No theatrical stage employee, motion picture machine operator, electrical worker, engineer, fireman, porter, oiler, or house treasurer shall be permitted to work in excess of forty (40) hours in any one week; provided, however, the maximum hours herein established shall not apply to members of road crews, except that theatrical wardrobe attendants shall not be permitted to work in excess of forty-eight (48) hours in any one (1) week, nor in excess of eight (8) hours in any twenty-four (24) hour period; and further provided that where, under any labor agreement between any member of the Industry and any Union or its locals, heretofore entered into, the hours of labor as of July 1, 1933, were less than the maximum hours per week provided in this section, the hours provided in such agreement shall be the maximum.

5. No watchman shall be permitted to work in excess of fifty-six (56) hours in any one (1) week nor more than six (6) days in any one (1) week.

6. No person employed in clerical or office work who is paid less than thirty-five dollars (\$35.00) per week shall be permitted to work in excess of forty (40) hours in any one (1) week or eight (8) hours in any one (1) day, provided, however, that in case of special necessity the maximum hours herein specified may be exceeded, provided that one and one-half ($1\frac{1}{2}$) times his normal rate of pay be paid each employee for all the time worked in excess of forty (40) hours in any one week or eight (8) hours in any one (1) day.

7. No scenic artist shall be permitted to work in excess of thirty-two (32) hours in any one (1) week. This Article shall not apply to chargemen who are paid seventy-five dollars (\$75.00) or more per week.

8. No usher, ticket taker, scrubwoman, theatre attendant, or any other employee not otherwise specifically provided for in this Article, shall be permitted to work in excess of thirty-five (35) hours in any one (1) week or seven (7) hours in any one (1) day; provided, however, that in no case shall an employee be permitted to work in excess of the maximum hours herein provided except that he be paid one and one-half times his normal rate of pay for all hours worked in excess of seven (7) hours in any one (1) day and thirty-five (35) hours in any one (1) week.

9. Special resident summer season companies giving performances between the 15th of June and the 15th of September in theatres, barns, halls, or other buildings which are not situated in villages, towns or cities of more than 30,000 inhabitants and which do not by their location come into direct competition with a legitimate stock company or legitimate theatre open in the summer, are excepted from the provisions of this Article.

10. By reason of the professional character of their employment, the maximum hours of employment of employees performing the duties of musicians shall as heretofore be established by prevailing labor agreements, understandings or practices.

ARTICLE IV—WAGES

1. No Senior Actor shall be paid less than the following rates: where the prevailing top box office price of the theatrical attraction is four dollars and fifty cents (\$4.50) or more, the minimum wage shall be fifty dollars (\$50.00) per week; where the prevailing top box office price of the theatrical attraction is four dollars (\$4.00) or more but less than four dollars and fifty cents (\$4.50), the minimum wage shall be forty-five dollars (\$45.00) per week; where the prevailing top box office price of the theatrical attraction is more than three dollars (\$3.00) but less than four dollars (\$4.00), the minimum wage shall be forty-two dollars and fifty cents (\$42.50) per week; where the prevailing top box office price of the theatrical attraction is three dollars (\$3.00) or less, the minimum wage shall be forty dollars (\$40.00) per week.

2. No Junior Actor shall be paid less than the following rates: where the prevailing top box office price of the theatrical attraction is four dollars (\$4.00) or more, the minimum wage shall be thirty dollars (\$30.00) per week; where the prevailing top box office price of the theatrical attraction is more than three dollars (\$3.00) but less than four dollars (\$4.00), the minimum wage shall be twenty-seven dollars and fifty cents (\$27.50) per week; where the prevailing top box office price of the theatrical attraction is three dollars (\$3.00) or less, the minimum wage shall be twenty-five dollars (\$25.00) per week.

3. No member of the chorus in a musical production shall be paid less than thirty dollars (\$30.00) per week, nor less than thirty-five dollars (\$35.00) per week when engaged by a traveling company.

4. An actor or chorus member in a stock company production shall not be paid less than the rate as hereafter in this section provided:

(a) *Actor*.—Not less than six actors regularly employed in the stock company shall each be paid not less than forty dollars (\$40.00) per week; other actors, excluding local jobbers not Senior Actors, shall be paid a minimum wage of not less than twenty-five dollars (\$25.00) per week. Senior Actor local jobbers shall be paid not less than forty dollars (\$40.00) per week.

(b) *Chorus*.—In a company operating for any time during the period from May 31 to Labor Day in any year, no member of the chorus employed by a stock company shall be paid less than twenty-five dollars (\$25.00) per week where the highest admission price is one dollar (\$1.00) or less; and thirty dollars (\$30.00) where the highest admission price is more than one dollar (\$1.00); and in a company operating during any other period in the year, thirty dollars (\$30.00) per week where the highest admission price is one dollar (\$1.00) or less; and thirty-five dollars (\$35.00) per week where the highest admission price is more than one dollar (\$1.00).

5. At the end of two weeks of rehearsal, a full week's salary shall be paid as an advance to all actors and members of the chorus engaged at a wage of one hundred dollars (\$100.00) a week or less; and for the first and second weeks of production half salaries shall be paid to such actors and members of the chorus.

6. No theatrical stage employee, motion picture machine operator, electrical worker, engineer, fireman, oiler, or any other skilled mechanic or theatrical wardrobe attendant shall be paid less than at the rate of thirty dollars (\$30.00) per week for eight (8) performances, or forty (40) hours per week.

Where, under any labor agreement between any member of the Industry and any union or its locals, heretofore entered into, the wages as of July 1, 1933, were more than the minimum wages per week provided in this section, the wages provided in such agreement shall be the minimum.

7. No company manager shall be paid less than fifty dollars (\$50.00) per week and no house treasurer shall be paid less than forty dollars (\$40.00) per week. When engaged with a stock company, no company manager shall be paid less than forty dollars (\$40.00) per week and no house treasurer shall be paid less than thirty dollars (\$30.00) per week.

8. No watchman shall be paid less than thirty cents (30¢) per hour.

9. No usher, ticket taker, scrubwoman, theatre attendant, porter, or any other employee not otherwise specifically provided for in this Article, shall be paid less than forty cents (40¢) per hour.

10. No press representative stationed in any particular locality shall be paid less than fifty dollars (\$50.00) per week and no traveling press representative shall be paid less than seventy-five dollars (\$75.00) per week. No press representative of a stock company shall be paid less than twenty-five dollars (\$25.00) per week for rendition of exclusive services to the employer.

11. No scenic artist shall be paid less than two dollars and twenty-five cents (\$2.25) per hour.

12. Special resident summer season companies giving performances between the 15th of June and the 15th of September in thea-

tres, barns, halls, or other buildings which are situated in villages, towns or cities of less than 30,000 inhabitants and which do not by their location come into direct competition with a legitimate stock company or legitimate theatre open in the summer, are excepted from the operation of this Article.

13. In all cooperative productions the guaranteed minimum wages for all employees shall be those prescribed in this Code.

14. By reason of the professional character of their employment, the minimum wage of employment of employees performing the duties of musicians shall as heretofore be established by prevailing labor agreements, understandings or practices.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry, provided, however, that with the consent of the proper Governmental authority an actor under the age of sixteen (16) years may be engaged to fill a role especially written for a child actor or to fill a part requiring the services of a child actor. In any State any employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit, duly signed by the authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall within ninety (90) days from the effective date of this Code submit to the Board a list of operations or occupations which are hazardous in nature or dangerous to health.

2. (a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

3. There are a number of rules and regulations presently existing in respective or collective agreements between the employers and their organized employees. The employers and employees pledge themselves to work for a readjustment of any and all conditions or rules or regulations which prove either to result in prohibitive production cost or in any loss of employment among all the employees of the employers.

4. Each employer shall provide for the safety and health of his employees during the hours and at the places of their employment.

Standards for safety and health shall be submitted by the Code Authority to the Board within six (6) months after the effective

date of the Code. When such standards are approved by the Board, they shall become part of this Code and shall be enforceable as such.

5. No provisions in this Code shall supersede any State or Federal Law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

6. No employee shall be dismissed, demoted or otherwise discriminated against by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

7. All employers shall post and keep posted complete copies of this Code in conspicuous places readily accessible to employees in the course of their employment. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Board.

8. An employer shall make payment of all wages due in lawful currency. Such wages and salaries shall be exempt from any charges, fines or deductions, or payments for pensions, insurance or sick benefits other than those voluntarily paid by the wage earner or required by law. No employer shall withhold wages. No employer or his agents shall accept any rebates directly or indirectly on wages or salaries.

9. Employers shall engage actors, except where they themselves employ such actors directly, only through agencies recognized by, and acceptable to, the Actor's Equity Association.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby established consisting of twelve (12) or more persons to be selected in the following manner:

The National Association of the Legitimate Theatre, Inc., shall select three (3) duly authorized representatives; the League of New York Theatres, Inc., shall select three (3) duly authorized representatives. When any question involving stock production is to be considered, the National Dramatic Stock Association may have two (2) representatives who shall replace, for the purpose of voting, one (1) representative from the National Association of the Legitimate Theatre, Inc., and one (1) representative from the League of New York Theatres, Inc. When any question involving ticket distribution and ticket agencies is to be considered, one (1) representative from the National Theatre Ticket Distributors, Inc., and one (1) representative from the Theatre Ticket Brokers Association of Greater New York shall become and be additional members of the Code Authority, for the determination of such questions. There shall be selected one duly authorized representative each from Actor's Equity Association, Chorus Equity Association, the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of United States and Canada, American Federation of Musicians of the United States and Canada, United Scenic Artists

of America, and one representative from the group of employees not hereinbefore embraced to be appointed by the Board upon nomination by the Labor Advisory Board.

SECTION 2. In addition to membership, as above provided, there may be two (2) members without vote whose duty it shall be to safeguard the interests of the public, to be appointed by the Board, and one (1) member without vote to be known as the Administration Member to be appointed by the Board to serve for such term as it may specify.

SECTION 3. Each trade or industrial association engaged in the Industry as a member or as an employer or in the disposition of tickets, which directly or indirectly participates in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Board true copies of its Articles of Association, By-Laws, regulations and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Board may deem necessary to effectuate the purpose of the Act or this Code.

SECTION 4. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Board may prescribe such hearings as it may deem proper; and thereafter if it shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, it may require an appropriate modification of the Code Authority.

SECTION 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.

POWERS AND DUTIES

SECTION 6. Subject to such rules and regulations as may be issued by the Board, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure subject to the approval of the Board.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State Agencies as it may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual

report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Board.

(d) To use such trade associations or other organizations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Board for the coordination of the administration of this Code with such other Codes, if any, as may be related to or affect members of the Industry.

(f) 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration, and in the event the member of the Industry is also a member of the Code Authority, to participate in the deliberation and decisions of the Code Authority.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Board shall have so approved.

(g) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Industry for the purpose of formu-

lating fair trade practices to govern the relationships between employers under this Code and under such other Codes to the end that such fair trade practices may be proposed to the Board as amendments to this Code and such other Codes.

(h) To provide appropriate facilities for arbitration between employers and, subject to the approval of the Board, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

(i) To recommend to and consult with the Board concerning modifications of or amendments to this Code, which shall become effective as a part hereof upon approval by the Board after such notice and hearings as it may prescribe.

(j) To recommend to and consult with the Board concerning such administrative interpretations of this Code as it may propose. Such interpretations, upon the approval of the Board, shall become operative as a part of the Code.

(k) To recommend, if necessary, a uniform standard form of contract with booking agencies for all legitimate attractions.

(l) To create regional code authorities composed of an equal number of employers and employees in order to more effectively apply the provisions of this Code. Subject to the provisions of this Code such regional code authorities shall have such authority and shall act under such rules and regulations as may be prescribed by the national Code Authority.

GENERAL ADMINISTRATIVE PROVISION

SECTION 7. If the Board shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

ARTICLE VII—TRADE PRACTICE RULES

RULE 1. No member of the Industry shall publish advertising, whether printed, broadcast or displayed, which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any services, policies or the nature or form of the business conducted.

RULE 2. No member of the Industry shall aid, abet or assist in the release or dismissal of any actor for the purpose of permitting such actor to leave the cast of an attraction then playing in order to accept employment in motion pictures.

RULE 3. No member of the Industry shall aid, abet or assist in the release or dismissal of any author, dramatist or actor employed in rendering his exclusive services in connection with the production of a motion picture for the purpose of securing the services of such author, dramatist or actor.

RULE 4. No member of the Industry shall aid, assist or participate in a "buy". A "buy" is defined as a purchase of tickets either directly or through an intermediary, for commercial resale.

RULE 5. Insofar as members of this Industry can lawfully control the same, the motion picture of a currently playing legitimate attraction shall not be permitted to be released until such attraction has had the fullest opportunity to complete its run and enjoy road showing.

RULE 6. No member of the Industry shall aid or assist in the distribution of "throw-aways", or "two-for-ones" or any other form of ticket or literature which when presented at the theatre box-office, together with an amount of money less than the regular box-office price entitles the holder to theatre seats, unless the "throw-away" ticket or literature plainly states the amount of money required and the conditions under which the seats may be purchased.

ARTICLE VIII—TICKET PROVISIONS

SECTION 1. The terms "Agent" or "Agency" as used herein shall be deemed to include every person, firm, corporation or other form of enterprise, including clubs, receiving for sale or selling theatre tickets.

SECTION 2. "Theatre tickets" or "tickets" as used herein shall be deemed to include any and every form of evidence of the right of entry to a Legitimate Full Length Dramatic or Musical Theatrical production.

SECTION 3. No member of the Industry shall consign, transfer or deliver for sale any theatre ticket to any Agent, who shall not have an effective and unrevoked Legitimate Theatre Ticket Agency Certificate duly issued by the Code Authority as hereinafter provided.

SECTION 4. The Code Authority shall cause a non-assignable, revokable Legitimate Theatre Ticket Agency Certificate to be delivered to any Agent who shall apply therefor and who shall

(a) Duly execute a written Agency Contract on behalf of himself, his agents, servants and employees in such form as may be approved by the Code Authority and the Board, which shall contain provisions that the Agent agrees

(1) Not to sell any theatre ticket in excess of the box office price plus the sum of seventy-five cents and tax;

(2) To keep conspicuously posted in every establishment or place of sale so that all persons visiting such establishment or place may readily see the name, a price list, the form of which shall be approved by the Code Authority, showing the box office price, Agent's commission and tax;

(3) Not to charge for any theatre ticket in excess of the sum so listed or in accordance with the provisions of sub-section (1) hereof, whichever is the lower;

(4) Not to sell any ticket not conspicuously marked as provided in the Internal Revenue Laws of the United States, and such rules and regulations as may be or may have been promulgated thereunder;

(5) To give, upon the request of any purchaser, a signed and dated receipt showing the number of tickets sold, the name of the

theatre for which such tickets are issued and the total price, including tax, paid therefor;

(6) Not to engage in any form of subterfuge whatsoever which will frustrate the purposes of this Article;

(7) That the Code Authority may, at any reasonable time, inspect any and all ticket racks and books or records kept by such Agent with respect to tickets;

(8) Not to give or receive any commission, gratuity or bonus in connection with the sale or delivery of or payment for tickets, or in connection with the ticket business of such Agent, except as may be permitted in this Article;

(9) Not to sell any ticket of a member of the Industry who shall have been found by the Board to have violated any provisions of this Article;

(10) That the principal amount of the bond given to secure such Agency Contract, as hereinafter provided, shall become immediately due and payable to the Code Authority upon the determination by the Code Authority that such Agent has broken his contract;

(11) Not to establish or maintain any office, branch office or place of business within one hundred feet of any theatre without the written permission of the Code Authority;

(12) That the sale of any ticket not conspicuously marked in accordance with the provisions of this Article, shall be deemed prima facie evidence of a breach of such Agency Contract;

(13) To such further provisions as may from time to time be prescribed by the Code Authority and approved by the Board, and

(b) File with the Code Authority a bond in such form, in such reasonable amount, and with such surety or sureties as may be approved by the Code Authority and the Board conditioned on the faithful, true and complete performance of the provisions of the Agency Contract specified in this Article. Such bond shall further provide that its principal amount as therein stated shall become immediately due and payable to the Code Authority upon the determination by the Code Authority that the Agent has broken his contract and that the Certificate of the Code Authority shall be conclusive proof of such breach with respect to any and all sureties on such bond.

SECTION 5. Each member of the Industry shall cause every theatre ticket to be conspicuously marked showing the total box office price and tax, and, in addition thereto, shall conspicuously mark every ticket showing the maximum amount to be paid when purchased from an Agent.

SECTION 6. Each member of the Industry shall retain at least twenty-five percent (25%) of the theatre tickets in all parts of the theatre for sale at the box office for each presentation, which shall be conspicuously marked to identify them as theatre tickets for sale at the box office only, and shall not be delivered to a broker for resale or resold by such broker; and the purchase by the broker of tickets so marked shall be deemed prima facie evidence of a violation of the provisions of this paragraph.

SECTION 7. No member of the Industry shall give or receive any commission, gratuity or bonus in connection with the sale, delivery

or possession of or payment for any ticket, or in connection with the ticket business done by the Agent.

SECTION 8. No member of the Industry shall aid, abet, assist or participate in the breach of any Agency agreement entered into pursuant to this Article, nor shall any member of the Industry engage in any form of subterfuge whatsoever which will frustrate the purposes of this Article.

SECTION 9. The Code Authority may institute investigations of and shall hear all evidence with respect to any complaint of violation of this Article, including, but without limitation, the breach of any Agency Contract, and after notice and hearing shall determine whether such violation exists. Upon the determination that any violation exists with respect to any Agent, the Code Authority may suspend or revoke such Agent's Legitimate Theatre Ticket Agency Certificate, and may institute in its own name such legal proceedings as it may deem proper on such Agent's Contract and/or bond. Upon the determination that any violation exists with respect to any member of the Industry, the Code Authority may recommend to the Board such further proceedings under the Act as it deems proper.

SECTION 10. The Code Authority may prescribe such rules and regulations, subject to the approval of the Board, as it may deem proper to effectuate the purposes of this Article.

SECTION 11. The provisions of this Article shall apply only in such Cities as may be designated by the Code Authority subject to the approval of the Board.

SECTION 12. Any person aggrieved by any determination of the Code Authority may appeal to the Board within seven days after such determination and notice thereof and the decision of the Board shall be final and binding on the parties involved.

SECTION 13. If any provisions of this Article, or the application thereof to any person or circumstances, are held invalid, the remainder of this Article, and the application of such provisions to other persons or circumstances shall not be affected thereby.

ARTICLE IX—MODIFICATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

ARTICLE X—MONOPOLIES

No provision in this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

ARTICLE XI—PROHIBITION AGAINST SUBTERFUGE

No member of the Industry shall use any subterfuge to frustrate the spirit and intent of this Code, which is, among other things, to increase employment by universal covenant, to remove obstructions to

commerce, to shorten hours of work and to raise wages to a living basis.

ARTICLE XII—SAVING CLAUSE

The promulgation of this amended Code shall not affect nor in any wise impair or obstruct the imposition of any penalty, forfeiture or punishment for offenses committed against provisions of the Code of Fair Competition for this Industry approved on the 16th day of August, 1933, during the period of its effective operation; nor any investigation, legal proceeding or remedy in respect of any such offenses; nor any defenses thereto which might have been lawfully interposed under said prior Code.

ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective ten days after its approval.

Approved Code No. 8—Amendment No. 1.
Registry No. 1748-04.



UNIVERSITY OF FLORIDA



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